VA HANDBOOK 5005/13 Transmittal Sheet August 12, 2005

STAFFING

- **1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) procedures regarding the promotion of employees appointed under 38 U.S.C. 7401(1) and 7405(a)(1)(A).
- **2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory VA procedures on staffing and recruitment. The pages in this issuance replace related material in part III, chapters 1-4 of VA Handbook 5005, Staffing. These changes will be incorporated into the electronic version of VA Handbook 5005, Staffing, that is maintained on the Office of Human Resources Management and Labor Relations Web site. This revision reflects the following changes:
- a. Adds new Sections A and B for promotion for occupations covered under the authority of 38 U.S.C. 7401(1) or 7405(a)(1)(A) and medical and dental residents appointed under the authority of 38 U.S.C. 7406.
 - b. Removes time-in-grade requirements.
 - c. Removes examining function from Professional Standards Boards.
 - d. Removes specific title references to hybrid occupations.
- e. Removes duplicative material and restructures Promotion General and Promotion Consideration paragraphs.
 - f. Adds paragraph on temporary promotions.
 - g. Removes paragraph on Other Grade Changes.
 - h. Re-titles Veterans Readjustment Appointments to Veterans Recruitment Appointments.
- **3. RESPONSIBLE OFFICE:** The Recruitment and Placement Policies Service (059), Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations.
- **4. RELATED DIRECTIVE:** VA Directive 5005, Staffing.
- 5. RESCISSIONS: None.

CERTIFIED BY:

BY DIRECTION OF THE SECRETARY

OF VETERANS AFFAIRS:

/s/Robert N. McFarland Assistant Secretary for Information and Technology /s/R. Allen Pittman Assistant Secretary for Human Resources and Administration

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PART III. INTERNAL PLACEMENT AND PROMOTION

CHAPTER 1. GENERAL

1. SCOPE. This part contains the policies and procedures governing the placement of VA employees in another VA position, including the movement of the employee to another VA facility under a different appointing officer. Such position changes include demotion, reassignment or promotion of an employee while continuously employed in VA and authorized conversion to another appointment under certain circumstances.

2. ORGANIZATION

- a. Chapters 2 and 3 include requirements and procedures for internal placement and promotion actions for employees in the competitive service under title 5.
- (1) While the provisions in these chapters apply to the competitive service, there is no prohibition against using these or similar procedures to provide opportunities to certain excepted service employees, such as those appointed under the Veterans [Recruitment] Act (VRA) or severely handicapped individuals appointed under Schedule A.
- (2) In the interest of clarity, policy requirements are identified by the word "requirement". Requirements are mandatory provisions established in accordance with or consistent with Federal human resources policies issued by the Office of Personnel Management (OPM) or pertinent laws, rules and regulations.
- (3) Guidance, which is identified as such, is included to provide matters to be considered, information, clarification, examples, etc., to assist in the development of subordinate policies which will conform to VA and OPM policy requirements.
- b. Chapters 4 and 5 contain internal placement and advancement policies, procedures and requirements for employees appointed under 38 U.S.C., chapter 74.
- c. Chapter 6 includes requirements and procedures related to military leave and restoration/reemployment. The provisions of this chapter apply to both title 5 and title 38 employees.

written tests not required by OPM or not previously approved by the [Deputy Assistant Secretary (DAS) for Human Resources Management and Labor Relations (OHRM&LR)] will be submitted through channels to the [DAS OHRM&LR] (059). Individual facilities will not deal directly with OPM in requesting written test authorization. The provisions of 5 CFR 300.201 will be followed in the administration and security of written tests.

7. PHYSICAL REQUIREMENTS. All individuals selected for positions with established physical/mental requirements must satisfactorily pass a physical examination prior to entry on duty into the position. See VA Handbook 5019, Occupational Health Services.

8. EFFECTIVE DATES

- a. **Effective Dates of Position Changes. Requirement** The effective date of a position change will be determined for each individual action consistent with technical and regulatory requirements and the needs of VA. Unless another date is required by technical or regulatory requirements or is considered to be in the interest of VA, the effective date of the position change will normally be the first day of the next pay period after the date of administrative approval. **Guidance** While fiscal and records maintenance activities prefer effecting personnel actions at the beginning of a biweekly pay period, there is no prohibition against effecting actions on other dates.
- b. **Effective Date for Release of Employees. Requirement** Employees selected for position changes will be released to their new assignments within a reasonable length of time. **Guidance** Where unusual circumstances justify a period longer than 2 weeks prior to release, the employee should be either (1) informed in writing over the signature of the official responsible for the delay or the reasons for the delay and the expected release date, or (2) the position change action should be effected and the employee detailed back to the former position.
- c. **Coordination. Requirement** The release date for an employee transferring to another VA facility will be arranged by the responsible officials. Unless circumstances dictate otherwise or both the releasing and receiving facilities otherwise agree, travel time will be accomplished on the receiving facility's time.
- d. **Nonmerit Factors. Requirement -** An employee who meets qualification and time-in-grade requirements will not be denied a position change based on difficulty in obtaining a replacement.

9. KEEPING EMPLOYEES INFORMED

a. **Opportunities for Advancement. Guidance** - Employees should be informed about the types of positions which may represent opportunities for reassignment and promotion, including those known to exist at other VA establishments. This may be accomplished by publicizing individual vacancies or by local open-continuous announcements, posting general notices of placement opportunities such as the [] Weekly Summary Bulletin, local and national [W]eb sites and career counseling. Care should be taken to ensure that all potentially qualified and interested employees have access to vacancy notices received from other facilities. Referral of vacancy notices from other facilities only to the corresponding local service or division may not be sufficient in some cases. Posting of positions in a centralized location is preferred, in addition to appropriate selective distribution.

CHAPTER 3. PROMOTION (TITLE 5)

- **1. SCOPE.** Contains categories of employees to be considered for promotion while absent from official duty.
- a. **All VA Employees.** The following categories of VA employees within the area of consideration must be given consideration for promotion as though they were present for duty.
 - (1) Employees on Intergovernmental Personnel Act agreements;
 - (2) Employees on leave;
 - (3) Employees attending training courses;
 - (4) Employees on detail, either internally or to other Federal agencies;
 - (5) Employees serving in public international organizations, either through a transfer or detail;
 - (6) Employees separated for military service with restoration rights;
 - (7) Employees absent because of compensable injury (see 5 CFR, part 353, subpart C); and
 - (8) A veteran serving on a Veterans [Recruitment] Appointment (VRA) [appointment].
- b. Concurrent Consideration of Certain Excepted Service Employees Under Competitive Merit Promotion Procedures. Generally, employees serving under excepted appointments (except Veterans Readjustment Appointments) are precluded from competing under competitive promotion procedures with competitive service employees. There may be instances, however, when simultaneous consideration for promotion of certain excepted service employees (e.g., title 38, U.S.C. employees covered by VA/OPM Interchange Agreements (see Appendix III-C), or, severely physically disabled individuals appointed under Schedule A) is desirable. Prior to issuing a vacancy announcement, management officials will determine whether excepted service employees are to be included in the competition for a position and, if so, this information will be included in the vacancy announcement. Nothing precludes the use of the same rating and ranking criteria for both types of appointees, thereby affording concurrent consideration of both groups for promotion on separate referral certificates. Such an approach may significantly improve upward progression opportunities for severely physically disabled employees and certain others. See Appendix III-C.
- c. **Veterans Employment Opportunities Act (VEOA).** When facilities are accepting applications from outside VA, individuals who are eligible for consideration under the VEOA may apply. (See part II, chapter 2, section B, paragraph 2c of this handbook.)

f. **Employees**. All employees have primary responsibility for furnishing accurate information to update their qualification records and making application for promotion opportunities in accordance with prescribed procedures in a timely manner.

3. GENERAL MERIT PROMOTION REQUIREMENTS

- a. The policies in this handbook are fully applicable and binding. Statements will be included in every promotion plan to reflect the requirements in this handbook.
- b. **5 CFR, Part 335 Requirements.** The following five basic merit promotion requirements of 5 CFR 335.103(b) are fully applicable and binding:

Requirement 1. Each agency must establish procedures for promoting employees which are based on merit and are available in writing to candidates. Agencies must list appropriate exceptions, including those required by law or regulation, as specified in 5 CFR 335.103(c). Actions under a promotion plan, whether identification, qualification, evaluation, or selection of candidates, shall be made without regard to political, religious, or labor organization affiliation or nonaffiliation, marital status, race, color, sex, national origin, nondisqualifying disability, or age, and shall be based solely on job-related criteria.

Requirement 2. Areas of consideration must be sufficiently broad to ensure the availability of high quality candidates, taking into account the nature and level of the positions covered. Agencies must also ensure that employees within the area of consideration who are absent for legitimate reasons, e.g., on detail, on leave, at training courses, in the military service, or serving in public international organizations or on Intergovernmental Personnel Act assignments, receive appropriate consideration for promotion.

Requirement 3. To be eligible for promotion or placement, candidates must meet the minimum qualification standards, to include any physical/mental requirements, prescribed by the Office of Personnel Management (OPM) or VA, as appropriate. Methods of evaluation for promotion and placement, and selection for training which leads to promotion, must be consistent with instructions in 5 CFR, part 300 subpart A. Due weight shall be given to performance appraisals and incentive awards.

Requirement 4. Selection procedures will provide for management's right to select or not select from among a group of best qualified candidates. They will also provide for management's right to select from other appropriate sources, such as reemployment priority lists, reinstatement, transfer, disabled or Veterans [Recruitment] Act eligibles, or those within reach on an appropriate OPM certificate. In deciding which source or sources to use, agencies have an obligation to determine which is most likely to best meet the agency mission objectives, contribute fresh ideas and new viewpoints, and meet the agency's affirmative action goals.

NOTE: For Career Transition Assistance Program (CTAP) and Interagency Career Transition Assistance Program (ICTAP) requirements, see part IV, section I, paragraph 5 of this handbook.

Requirement 5. Administration of the promotion system will include recordkeeping and the provision of providing necessary information to employees and the public, ensuring that individuals' rights to privacy are protected. Each agency must maintain a temporary record of each promotion

- (2) **Guidance** The position is located in Alaska, Hawaii, Puerto Rico or the Philippines; and it would not be practical to search for promotion candidates beyond the particular geographic area;
- (3) **Guidance** Funds to cover moving and travel expenses may not be available, or limited funds may dictate such payments only for higher priority positions. Under these circumstances, limitation to such geographic boundaries as the commuting area, facility groupings, statewide, or regionwide, may be appropriate;
- (4) **Guidance** It may not be practical to extend the area of consideration for temporary promotions and details, although the option to extend should be retained in case unique circumstances develop in the future;
- (5) **Guidance** In over-ceiling situations or at-ceiling situations, it may be appropriate to limit the area of consideration;
- (6) **Requirement** If it is determined not to extend the area of promotion consideration for the reasons listed above, or a similarly valid reason, and the promotion plan calls for the extension but permits exceptions, the basis for the decision must be documented in the facility promotion file. The documentation may be brief but it must be clear.
- (7) **Guidance** When circumstances indicate an extension of the area of promotion consideration is inappropriate, and promotion continues to be a recruitment source, promotion consideration should be given only to high quality promotion candidates from the lesser area. In the interest of maximum efficiency and proper utilization of public funds, well-qualified candidates from other recruitment sources should be considered.
- **8. LOCATING CANDIDATES. Guidance** Several methods may be used to locate eligible candidates. Different methods or combinations of methods may be appropriate for different occupations or grades. Posting vacancy announcements for individual vacancies, open-continuous announcements for entry-level jobs, posting general notices of placement opportunities such as the [] Weekly Summary Bulletin, sending electronic notices to other VA facilities, Central Office referrals, and use of skills files are several methods. **Requirement** To provide proper information to employees, each promotion plan must state which method or methods are used.

a. Vacancy Announcements

- (1) **Guidance** Vacancies may be announced by posting notices on bulletin boards, through electronic transmission, and/or by circulating special notices to employees.
- (2) **Requirement** Vacancy announcements must receive sufficient publicity and be open long enough so all eligible employees within the area of consideration have the opportunity to learn of the vacancy and apply. They must be clear and tell employees: the area of consideration; if the position is part-time, the number of hours per week; the pay range; the location of the position; summarized duties of the job; the summarized minimum qualifications, including selective placement factors (if appropriate); where the qualification standard requirements are available for review; a list of the rating factors or job elements; application procedures; the closing date; whether the position has known promotion potential; and that VA

the next higher grade is not guaranteed and depends on: (a) the selectee's demonstration of the ability to perform the duties of the next higher grade to the satisfaction of the supervisor; and (b) the availability of enough work at the next higher grade. Meeting the minimum qualification requirements and time-in-grade requirements for a higher grade in a career ladder is, of itself, only an indicator of eligibility, not an absolute guarantee for such a promotion.

- (3) **Apprentice Position. Requirement** When an employee has been properly selected for the initial grade level as described above, a career-ladder promotion of an apprentice in a trade or craft may be made through intermediate grades (if appropriate) to the target grade level.
- (4) **Trainee Position. Requirement** A properly selected trainee may receive career-ladder promotions through intermediate grades as each phase of training is satisfactorily completed and to the target grade level when the entire training program is satisfactorily completed.
- (5) **Understudy Position. Requirement -** Occasionally, an understudy position is established to train a person for a position which is to be vacated at a future date. When properly selected for an understudy position, the selectee may receive a career-ladder promotion without additional competition to the target position when it is vacated. **Guidance -** Normally, the understudy position is established within 1 year or less of the anticipated vacancy.
- (6) **Position Filled at a Grade Below the Established or Anticipated Grade. Requirement -** A career-ladder promotion may be made of an employee in a position which was properly filled at a grade below the established or anticipated grade.
- (7) **Training or Executive Development Agreements. Requirement -** An employee, properly selected through competition as described previously, may receive a career-ladder promotion upon satisfactory completion of an approved training agreement or executive development agreement which specifically provides for the promotion.
- (8) **Details for Training or Evaluation. Requirement** An employee properly selected for a training or evaluation detail to a higher grade position or to one with known promotion potential may receive a career-ladder promotion if the fact that the detail could lead to promotion was made known to all potential candidates for the initial detail.
- (9) **Veterans** [Recruitment] **Appointee.** (5 CFR 307.103) **Requirement** When a Veterans [Recruitment] Appointment is made to a position with known promotion potential, subsequent career-ladder promotions may be made through intermediate grades (if appropriate) to the target grade level.
- (10) **Others. Requirement** When employees serving under the following types of appointments have satisfied the specified criteria of the appointment authority and are properly converted to career or career-conditional appointment in the competitive service in positions with known promotion potential, career-ladder promotions may be made through intermediate grades (if applicable) to the target grade level:
- (a) Student Career Experience Program (commonly referred to as Cooperative Education students) (5 CFR 213.3202(b));

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- (b) Service disabled veterans (5 CFR 315.604);
- (c) Service disabled veterans (30 percent or more) (5 CFR 315.707);
- (d) Severely physically disabled or mentally retarded employees (5 CFR 315.709); and,
- (e) Presidential Management [Fellows] (5 CFR 315.708).
- d. Career Promotion of an Employee Whose Position is Reconstituted to a Higher Grade
- (1) **Requirement** An employee whose position is reconstituted to a higher grade because of the accretion of additional duties and responsibilities may receive a career promotion.

NOTE: The basic function of the original position must continue to be a part of the new one.

- (2) **Guidance** Employees serving on identical-additional position descriptions are supposed to perform identical duties. It is the supervisor's responsibility to ensure that subordinates perform described duties. To single out one of several such employees for this type of career promotion may, therefore, be interpreted by others to be an act of personal favoritism. Any action of this nature should occur only after careful consideration and sufficient justification.
- (3) **Guidance** There may be times when circumstances require the assignment of additional duties and responsibilities to a position which will result in a promotion and competition is not practical. Some examples are:
- (a) Higher level management decision results in a change in workload, technology, procedures or organization and provides for no increase in ceiling. The decision results in a need for a higher grade job to accomplish the assigned tasks. Only one of the employees in the affected unit, which is at ceiling, can qualify for the job;
- (b) An increase in technology results in the purchase of new equipment for a line of work requiring an increase in the level of duties and responsibilities for those who will operate it. The employees will continue to perform the same basic function but at a higher level required by the new equipment;
- (c) Additional personnel are assigned to an organization which results in a supervisor's position being upgraded;
- (d) Additional responsibilities are imposed by law, rule, regulation or policy. To carry out the mandate, new duties must be added to a position in a unit and only one position provides the knowledges, skills or abilities necessary for satisfactory performance in the new job; or
- (e) An employee performs a job in such an exemplary manner that other key employees outside the unit gradually come to rely on that person to such an extent, and involving such complicated issues, that eventually the employee is performing duties which are properly classified at a higher grade.

CHAPTER 4. TITLE 38 [AND HYBRID TITLE 38 PROMOTIONS AND INTERNAL PLACEMENTS

SECTION A. PROMOTION AND INTENAL PLACEMENT OF TITLE 38 EMPLOYEES]

1. GENERAL

- a. This [section] contains instructions and procedures governing the advancement of physicians, dentists, podiatrists, optometrists, chiropractors registered nurses (RNs), nurse anesthetists, physician assistants (PAs) and expanded-function dental auxiliaries (EFDAs) appointed under authority of 38 U.S.C. 7401(1) or 7405(a)[(1)(A)]; [] and medical and dental residents appointed under authority of 38 U.S.C. 7406. **NOTE:** Residents serving under a disbursement agreement are excluded from coverage under the provisions of this [section].
- b. The [promotion] system shall provide advancement opportunities for employees, predicated upon the recognition of the quality of service rendered, additional experience and professional attainment as determined by [a thorough review] of the employee's individual record.
- c. To meet the criteria for [promotion], the individual must [meet the criteria for the next higher grade level in the applicable VA qualification standard. A review] of the individual's total record must [show] evidence that the contribution to VA medical service is of sufficient value to warrant [promotion]. Potential for continuously greater contribution is also a prerequisite. [Reviews and recommendations of professional standards boards] will be sufficient to ensure that [promotion] is fully merited and not recommended based on meeting administrative requirements alone. The individual's total record and professional stature will be carefully evaluated and supported by documentary evidence as necessary.
- d. [Promotion] actions will be taken without [regard to] age, race, color, religion, sex, national origin, lawful partisan political affiliation, marital status, physical or mental disability (when the employee is qualified to do the work), or membership or non-membership in a labor organization, or any other [non-merit] factor.
- e. [Promotion] actions will conform to the restrictions governing the employment of relatives. (See VA Handbook 5025, Legal.)
 - f. [Promotion] opportunities shall include:
- (1) **Promotion.** [Promotion] to a higher grade in recognition of substantially greater service to the patient and VA.

(2) Advancement

(a) Advancement of physicians and dentists to Director grade for assumption of responsibilities of a Director of a medical center, medical and regional office center, domiciliary, or independent outpatient clinic and advancement of physicians to Executive grade for assumption of responsibilities of Chief of Staff at a medical center, medical and regional office center, domiciliary, independent outpatient clinic, or comparable position.

- (b) Advancement to Grade IV or Grade V of the Nurse Schedule, for assignment to positions of nurse anesthetist, Nurse Executive, or other key nursing positions. Key nursing [positions] refer[] to registered nurses (other than Nurse Executives) at Nurse IV and above whose grade is based on both their personal qualifications and responsibilities of their assignment. The grades of Nurse Executives are based on the [assignment of the individuals]. Advancement of other registered nurses and nurse anesthetists to these grades will be based on the VA Qualification Standards for Nurses and Nurse Anesthetists and promotion criteria which cover the complexity and responsibility involved in the specific assignment.
 - (c) Advancement of Nurses in Grade I to Level 2 or Level 3.
- (d) Special Advancements for Achievement and Performance[.] ([S]ee VA Handbook 5017, Employee Recognition and Awards[.]) []

2. PERSONS AUTHORIZED TO ACT ON RECOMMENDATIONS OF BOARDS FOR [PROMOTIONS OR] ADVANCEMENTS []

- a. The Secretary shall approve all assignments of physicians and dentists to Director grade on the recommendation of the Under Secretary for Health or designee.
- b. [Officials authorized to approve promotions or advancements other than those described in paragraph 2a are set forth in appendix K, this part].

3. PROFESSIONAL STANDARDS BOARDS

(See part II, chapter 3, section C, this handbook[.])

4. PROMOTION - GENERAL

- a. **Consideration.** Full-time, part-time, and intermittent employees, having attained eligibility for initial appointment on the basis of appropriate qualification standards, shall be considered periodically for promotion in their current occupation. Eligibility for such promotion considerations shall be based upon fully meeting prescribed administrative requirements.
- b. **Advancement in Grade.** Promotions shall be [based on the qualifications (experience, education, and competencies) of the employee and on the nature and complexity of the higher level position]. In addition, when an employee enters a special program where the grade of the employee is restricted by the program, appropriate grade adjustments may be made upon completion of the required period for the special program. The employee may be promoted to the grade and step for which qualified for appointment, provided the administrative requirements for promotion consideration have been met.
- c. **Effective Date.** The effective date of a promotion or an advancement to a higher level within a grade is the 1st day of the pay period following [] approval by the [approving official], but not earlier than the date on which all administrative requirements [are] met.

d. **Notification of Eligibility.** Human Resources Management Officers are responsible for assuring that appropriate officials are notified approximately 60 days in advance of the date employees meet the administrative requirements for promotion, except that for podiatrists, optometrists, and chiropractors in Associate or Full grade, physician assistants in Associate grade[;] and expanded-function dental auxiliaries in Junior grade, notification of consideration for promotion will be made approximately 60 days in advance of the anniversary date of grade. [The employee shall also be notified.] If the employee is not promoted, these notifications shall continue to be made annually approximately 60 days prior to the anniversary date of grade until a change in grade occurs. A longer period [between promotion] consideration, not to exceed 3 years, may be established by the approving [official] when a nurse or expanded-function dental auxiliary does not meet the [education or experience] requirements [].

e. Administrative Requirements for Consideration

- (1) A current proficiency rating of []Satisfactory [or higher].[]
- (2) [The experience and education requirements in the appropriate VA Qualification Standards.]

[]

f. Service Which May Be Credited Toward Meeting [Length of Experience] Requirement [for] Promotion

- (1) Continuous full-time, part-time and intermittent paid employment rendered under 38 U.S.C. 7401(1) and 7405(a)(1), or under 38 U.S.C. 7406 as a medical or dental resident. []
 - (2) All leave with pay.
- (3) Full-time, part-time and intermittent paid employment under authority of 38 U.S.C. ch. 73 or 74 which is:
- (a) Rendered prior to a separation other than for cause, provided such period of separation was not in excess of 3 years.
 - (b) Rendered prior to a period of approved LWOP irrespective of the length of such period.
- (4) Continuous temporary full-time and part-time paid employment under 38 U.S.C. 7405(a)(1) as a graduate nurse technician, graduate physician assistant or graduate nurse anesthetist rendered prior to appointment under 38 U.S.C. 7401(1) or 7405(a)(1), without a break in service for more than 3 calendar days.
- (5) LWOP approved for educational purposes which has been granted on the premise that it will ultimately be to the advantage of VA.

- (6) [LWOP granted for other than educational purposes not to exceed 30 calendar days for full-time physicians, dentists, podiatrists, optometrists, and chiropractors, and 22 days for those who are part-time, for each year of experience required, up to a maximum of 120 calendar days or 88 workdays, respectively. LWOP granted for other than educational purposes not to exceed 176 hours (22 workdays) for full and part-time registered nurses and nurse anesthetists for each year of experience required, up to a maximum of 528 hours (66 workdays). LWOP granted for other than educational purposes not to exceed 176 hours (22 workdays) for physician assistants and expanded-functional dental auxiliaries for each year of experience required, up to a maximum of 352 hours (44 workdays). LWOP in excess of such amounts requires employees to serve an additional number of days or hours equal to such excess].
- [(7)] Active military duty when otherwise creditable service was interrupted thereby and the employee exercises statutory restoration rights.
- [(8)] Service not to exceed 120 calendar days between discharge or termination from the Armed Forces and reemployment under mandatory provisions of any statute or regulation.
- [(9)] All time during which an employee receives benefits under the Federal Employees' Compensation Act, provided sufficient service has been performed so that the candidate can be properly evaluated.

[]

5. PROMOTION OF PHYSICIANS, DENTISTS, PODIATRISTS, OPTOMETRISTS, CHIROPRACTORS, PHYSICIAN ASSISTANTS, [AND] EXPANDED-FUNCTION DENTAL AUXILIARIES []

- a. **Requirements for Physicians and Dentists.** Except for those in Chief grade and above, physicians and dentists will become eligible for periodic consideration for promotion to the next higher grade after they fully meet all the requirements specified below:
 - (1) Current proficiency rating of []Satisfactory [or higher].[]
- (2) [For promotion to Full and Intermediate grades, the physician or dentist must have demonstrated professional competence and performance which merit advancement through demonstrated skills and aptitudes in the direct care of patients. There must be evidence of professional growth with potential for assuming greater professional responsibility].
- (3) [For promotion to Senior grade, the physician or dentist must have shown professional attainment through recognized proficiency in the care and treatment of patients or completion of an approved residency with a demonstrated high level of performance. There must be evidence of professional growth and development].
- (4) [For promotion to Chief grade, the physician or dentist must have demonstrated a sustained high level of professional performance with evidence of exceptional effort, ability and contribution in the care and treatment of patients. There must be evidence of professional and/or administrative development, along with sustained professional growth. In addition, they must meet either subparagraph (4)(a) or (b):]

[]

- (a) Actual assumption of substantial professional and/or administrative responsibilities; or,
- (b) Outstanding professional attainment. Examples of such attainment are:
- 1. A faculty appointment (post residency) at professional rank.
- 2. Achievement of outstanding results in research.
- <u>3</u>. Outstanding clinical development (including publications).
- 4. Notable recognition by national professional societies or groups.
- b. Requirements for Podiatrists, Optometrists, Chiropractors, Physician Assistants, [and] Expanded Function Dental Auxiliaries []. Before they can be considered for promotion, employees in the above occupations must have a current proficiency rating of []Satisfactory[] or [higher]. These employees must meet the same grade requirements, including the specified demonstrated accomplishments, as for appointment. Any deviation or exception to these requirements will be limited to those specified in the appropriate qualification standard. (See part II, appendix [G].)
 - c. **Processing Procedures** (See appendix [] M, this part.)
 - (1) Notification of Eligibility
- (a) Approximately 60 days prior to the date the employee meets the [experience] requirement for consideration for promotion, the health care facility will receive from the Austin Automation Center (AAC) VA Form 5-97, Notice of Pending Personnel Action, in duplicate, identifying the employee and stating that the employee meets the time requirements for promotion as of the date specified. In addition, VA Form 5-97 will indicate if there is a satisfactory [or higher] proficiency on record and the amount of leave without pay (LWOP) since the beginning of the waiting period to the date VA Form 5-97 is issued. (VA Form 5-97 will be received approximately 60 days prior to the anniversary date of grade for podiatrists, optometrists, and chiropractors in Associate or Full grade, physician assistants in Associate grade[,] and for expanded-function dental auxiliaries in Junior grade.) [The employee shall also be notified.]
- (b) If the employee is not promoted, the AAC will continue to send VA Form 5-97 annually until a change in grade occurs. The VA Form 5-97 will be forwarded to the appropriate supervisory official. An employee who is not promoted will be reconsidered on the next anniversary date of grade. A longer period [between] consideration[s], not to exceed 3 years, may be established by the approving [official] when an expanded-function dental auxiliary does not meet the qualification standard [education or experience requirements for the next grade]. In these cases, the Human Resources Management Office will tab the service control file and will destroy the VA Form 5-97 for the year(s) when the employee is not to receive consideration.

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6. PROMOTION AND ADVANCMENT TO A HIGHER LEVEL WITHIN THE GRADE OF REGISTERED NURSES AND NURSE ANESTHETISTS

- a. **Administrative Requirements.** Before they can be considered for promotion or advancement to a higher level within the grade, registered nurses and nurse anesthetists must have a current proficiency rating of []Satisfactory [or higher] and meet the [experience] requirements specified in [the qualification standards]. Registered nurses and nurse anesthetists considered for promotion or for advancement to a higher level within the grade based on possession of additional qualifications and/or placement in an enhanced assignment must meet the requirements in the applicable qualification standard. Any deviation or exception to these requirements will be limited to those specified in the qualification standard.
- b. **Criteria for Consideration of Registered Nurses.** Registered nurses who meet the above administrative requirements become eligible for consideration for promotion or advancement to a higher level within the grade and must meet the following criteria:
- (1) Have improved the effectiveness of patient care through the use of more complex skills and application of scholarly knowledge to practice.
 - (2) Have assumed greater responsibility for the improvement of patient care.
 - (3) Have made steady progress toward professional goals for the improvement of patient care.
- (4) Have demonstrated the [ability to perform at the] level of professional nursing practice required in the qualification standard for appointment to the grade to which the registered nurse is being considered for promotion or advancement to a higher level within the grade.
- c. Criteria for Positions Other Than Nurse Executive Which May Warrant Advancement of a Registered Nurse to Nurse IV or Nurse V
- (1) Assignments such as Associate or Assistant Chief, Nursing Service; Associate Chief Nursing Service for Research; Associate Chief Nursing Service for Education; Supervisor, Nursing Home Care Unit; assignments in the Employee Education System; or Central Office nursing positions are [examples of positions that may be appropriate] for these grades. Assignments are typically located in organizational settings where there is a high [degree] of activity, where there is a broad program mission involving a great variety of specialty/subspecialty care in [a more complex settings,] and other special programs. These assignments are usually found at medical centers [where complex patient care is provided], and at VISN offices or Central Office. Assignments of the scope and complexity contemplated for these grade levels may occur, on a limited basis, at other medical facilities.
- (2) In considering the scope and complexity of the assignment, reviewers should look at those factors which specifically relate to the administrative, clinical, educational or research functions of the position:
- (a) **Administrative Assignments.** The individual's responsibility for managing and supervising the total nursing program; planning, organizing, directing, controlling and evaluating programs and follow-up actions required by internal and external review organizations and/or accrediting bodies; giving daily

attention to complex personnel management problems; participating in executive and decision making deliberations; and performing a full range of administrative duties.

- (b) **Educational Assignments.** The individual's responsibility for developing broad educational and training programs involving a variety of nurse specialties in widely diversified nursing activities; providing nursing personnel with the vital link between nursing education and nursing practice; coordinating and maintaining close relationships with affiliated schools of nursing, professional organizations, certifying bodies, and program directors of students of other disciplines who rotate through the medical facility; and serving on Education and Training Committees[,] nursing advisory groups[,] and special task force teams concerned with managing education and career development activities.
- (c) **Research Assignments.** The individual's responsibility for (1) conducting merit-reviewed, approved research projects relative to nursing care and related specialty areas, performing independent research or serving as a primary contributing member of a research team, formulating the research proposal and protocol submission to Central Office for merit review, and publishing in appropriate nursing and related professional journals or speaking to peer groups; or (2) serving as a [highly] competent and productive researcher on problems of major scope, directing independent research of considerable interest and value to nursing or related fields, where the research contributions can be reviewed as being highly productive and of such quality and originality as to have marked the nurse scientist as a significant contributor to advances in the practice of nursing.
- (d) **Nursing Home Care Supervisor Assignments.** The individual's responsibility for supervising a large Nursing Home Care Unit (NHCU) characterized by a high degree of interdisciplinary involvement, significant involvement in rehabilitation and outplacement efforts, and nursing home care program planning, organizing, directing, controlling, and evaluating activities. The assignment includes significant human resources responsibilities along with a full range of administrative duties.
- (e) Other Comparable Assignments. The individual's responsibility for assignments comparable to any one or combination of those described in subparagraphs [(2)](a) through [(2)](d) [].
- d. **Criteria for Consideration of Nurse Anesthetists.** Nurse anesthetists who meet the [] administrative requirements [in subparagraph 6a] become eligible for promotion and must meet the following criteria:
- (1) Supervisory evaluations clearly illustrate the significant contribution the candidate's accomplishments have made directly or indirectly to services to the patient.
- (2) [The candidate has demonstrated] consistent and progressive professional and/or administrative growth.
 - (3) [The candidate has demonstrated] increasing professional responsibility for patient welfare.
 - (4) [The candidate has] displayed the ability to communicate and work effectively with others.

- (5) [The candidate has] demonstrated the potential for further development and professional attainment.
 - (6) [The candidate has demonstrated increasingly significant] contribution[s] to the service.
- e. Processing Promotions and Advancements to a Higher Level [W]ithin the Grade for Nurse Anesthetists. Promotions and advancements to a higher level within the grade for nurse anesthetists will be processed in the same manner as promotions of physicians and dentists[.] ([S]ee [a]ppendix []M, this part[.])[] When possible, the physician chief of anesthesiology, physician consultant in anesthesiology or Chief, Surgical Service, shall be a member of the Physician Professional Standards Board in examining nurse anesthetists for promotion to higher grade.
- f. Processing Promotions and Advancements to a Higher Level [W]ithin the Grade for Registered Nurses. See appendix []M, this part.
- (1) **General**. Approximately 60 days prior to the date the registered nurse meets the [experience] requirement for consideration for promotion or advancement to a higher level within the grade, the facility will receive from the AAC, VA Form 5-97, Notice of Pending Personnel Action, in duplicate, identifying the employee and stating that the employee meets the [experience] requirement for promotion or advancement to a higher level within the grade as of the date specified. In addition, VA Form 5-97 will indicate if there is a [S]atisfactory [or higher] proficiency rating on record and the amount of LWOP since the beginning of the waiting period to the date VA Form 5-97 is issued.
 - (2) Promotions for Facility Nurse Executives, VISN Nurses and Nurses in Central Office
- (a) The recommending official forwards the proposed functional description, employee's curriculum vitae and the latest two proficiency reports (or their equivalent) to the appropriate Nurse Professional Standards Board (NPSB) for review. VHA Central Office NPSB is appropriate for VHA Central Office and VISN staff. [] All other promotions and advancements are to be reviewed by the NPSB designated for the VISN. (See appendix H5, part II of this handbook.)
- (b) The NPSB reviews the employee's qualifications and the scope of the position to determine whether the proposed grade is warranted and makes a recommendation regarding the employee's promotion to the approving official (facility Director or designee for nurse executives, the Under Secretary for Health or designee for VISN and Central Office staff).
 - (c) The approving official approves or disapproves the promotion.
- (d) **Notification of VISN and VA Central Office.** When a selection is made for one of these positions, approving officials will notify the appropriate Network Director and the Office of Nursing Services (108) in VA Central Office.
- (3) Promotions to Nurse IV and Nurse V for Registered Nurses Other Than Those Cited in Subparagraph [6f](2) [].

- (a) Procedures for advancement are the same as in [sub]paragraph [6f](2) [], except subparagraph [6f(2)](d) does not apply to those covered by this paragraph.
- (b) Approximately 120 days before the anniversary date of the registered nurse's assignment to Nurse III or IV, the AAC will send to the facility VA Form 5-97, Notice of Pending Personnel Action, in duplicate. The servicing Human Resources Management Office will retain the duplicate as a suspense copy and forward the original to the Nurse Executive. The Nurse Executive will review the registered nurse's assignment and compare it with the criteria in the VA Nurse Qualification Standard for the grade for which the registered nurse is being considered and the criteria in subparagraph 6c []. If the Nurse Executive recommends advancement, the front of the VA Form 10-2543, Board Action, will be completed, and a special Proficiency Report shall be prepared if the most recent Proficiency Report does not accurately reflect the employee's current performance. The recommendation, the Board Action, the registered nurse's personnel folder, and a description of the assignment's responsibilities will be forwarded to the facility Director. If the Director concurs, the Director will send the documents, along with the recommendations, to the appropriate NPSB. If the Nurse Executive does not recommend advancement, the facility Director does not concur, or the facility Director disapproves the advancement after review by the NPSB, the recommending, concurring, or approving official is to take the actions prescribed in [sub]paragraph [6f](3)(d) [].
- (c) Recommendations will address the individual's personal qualifications as specified in the VA Nurse Qualification Standard and the scope and complexity of the assignment. To recommend an action covered by this paragraph, the NPSB must find that the individual meets the qualifications for the position and that the scope and complexity of the assignment are comparable to the corresponding Nurse Executive assignment. The corresponding Nurse Executive assignment means that:
- <u>1</u>. A Nurse IV assignment must be comparable to a Nurse Executive assignment at a [moderately complex] facility[; and]
 - 2. A Nurse V assignment must be comparable to a Nurse Executive at a [very] complex[] facility[.]
- (d) If advancement is not recommended, the facility Director does not concur, or the action is disapproved, a Board Action is to be completed and approved by the recommending, concurring, or approving official. The Board Action is to be filed in the personnel folder, and the nurse will be informed of the decision.
- (e) Once appropriate officials have determined that the scope and complexity level of the assignment do not warrant promotion to a higher grade, a review of the registered nurse's qualifications and performance is required only when there has been a significant change in the nature of assignment or a reassignment.
- (f) Registered nurses who are not recommended or approved for assignment to these grades are not entitled to higher level review, including promotion reconsideration.
- (g) Grade assignments to Nurse IV or above are limited to the registered nurse's current position. Registered nurses who are reassigned will not retain Nurse IV or above unless a determination is made

by the appropriate NPSB that the duties of the new position meet the scope and complexity criteria for the contemplated grade. Also, the position vacated will not be filled at the Nurse IV level or above without prior review of the qualifications of the individual registered nurse to be assigned to the position. Such recommendations will be forwarded to the appropriate NPSB.

- (4) Promotion Consideration to Nurse III and Below for the Positions of Associate Chief, Nursing Service for Education; Supervisor, Nursing Home Care Unit; Assistant Chief, Nursing Service; Associate Chief, Nursing Service; and Associate Chief, Nursing Service for Research
- (a) Upon receipt of VA Form 5-97, the Human Resources Management Office will retain the duplicate copy of the form as a suspense copy and forward the original to the Nurse Executive. This individual will complete the front of VA Form 10-2543[, Board Action]. If the most recent proficiency report on file was prepared more than 6 months before the date of promotion consideration, narrative performance evaluations will be prepared by the Nurse Executive and by the Chief of Staff. These evaluations may be in the form of a supplement to the latest proficiency report. The registered nurse's file, including the personnel folder, will then be forwarded, through the facility Director, to the appropriate NPSB for consideration, after the Human Resources Management Officer has made an administrative review of the [file].
- (b) Following consideration by the appropriate Board, the file will be returned to the facility Director for approval or disapproval.
- (5) Promotions and Advancements to a Higher Level [W]ithin the Grade to Nurse III and Below Other Than for Positions Identified in Subparagraph [6f](4) []. (Also see appendix []M, this part, for processing instructions.)
- (a) In considering a registered nurse for promotion or advancement to a higher level within the grade, the local NPSB determines whether or not the individual meets the VA Nurse Qualification Standard requirements. If the board determines that requirements are met, the registered nurse is eligible for promotion or advancement consideration. Following consideration by the board, the file will be referred to the facility Director for appropriate action.
- (b) If the employee is not promoted, the AAC will continue to send the VA Form 5-97 annually until a change in grade occurs. The VA Form 5-97 will be forwarded to the appropriate supervisory official. An employee at Nurse II and below who is not promoted or advanced to a higher level within the grade will be considered for promotion or advancement to a higher level within the grade on the next anniversary date of grade. [After September 30], 2005, a longer period [between] consideration[s], not to exceed 3 years, may be established by the NPSB when a registered nurse at Nurse II and below does not meet the qualification standard['s education or experience requirements]. In these cases, the Human Resources Management [O]ffice will tab the service control file and will destroy VA Form 5-97 for the year(s) when the employee is not to receive consideration.

NOTE: Upon completion of the degree requirement, a registered nurse or nurse anesthetist may be considered for promotion if the administrative requirements are met. This is the only time a registered nurse or nurse anesthetist may be considered for promotion other than on the anniversary date of grade.

- (6) Waiver of Experience and/or Degree Requirements. The appointing official may authorize a waiver of experience and/or the degree requirements for individuals whose professional accomplishments, performance, and qualifications warrant such consideration based on demonstrated ability to meet the requirements for promotion to the next higher grade or advancement to a higher level within the grade[. (S]ee the VA Nurse Qualification Standard[, appendix G6, Part II, this Handbook.])[] In considering a registered nurse for promotion to Nurse III or below, the appropriate NPSB will determine whether or not the individual should be recommended for promotion or advancement to a higher level within the grade with a waiver of the experience and/or degree requirements.
- (7) **Recommendations of Nurse Professional Standards Boards.** If consideration of a registered nurse promotion or advancement to a higher level within the grade by the Under Secretary for Health or designee is requested, the Human Resources Management Officer will take necessary steps to ensure that the Nurse Executive and the Chief of Staff are aware of the case and of the recommendation(s) of the appropriate Nurse Professional Standards Boards.

7. PROMOTION RECONSIDERATION AND REVIEW

- a. **Coverage.** This paragraph applies to physicians, dentists, podiatrists, optometrists, chiropractors, registered nurses, nurse anesthetists, physician assistants, and expanded-function dental auxiliaries appointed under 38 U.S.C. 7401(1) or 7405(a)(1)(A) [].
- b. **Notice of Decision.** [Supervisors must advise e]mployees [] of any decision not to promote them, of the reason(s) for the decision, and of their right to request reconsideration. The right to reconsideration does not extend to promotions to Nurse IV and Nurse V, which are based on complexity of assignment, nor does it extend to temporary promotions.
- c. **Informal Discussion.** [The employee must discuss his or her] dissatisfaction with their immediate supervisor prior to submitting a request for reconsideration under [sub]paragraph 7d.
 - d. Submission of Reconsideration Request or Request for Central Office Review
 - (1) [Reconsideration Request.]
- [(a)] If the employee does not believe the supervisor's explanation is satisfactory, the employee may submit a written request for reconsideration through the supervisor to the appropriate Professional Standards Board for review within 14 calendar days of the non-promotion decision. (See [sub]paragraph [7]e [.])[] The approving official or designee may extend the 14-day period at the written request of the employee if the employee is unable to submit the information timely for reasons beyond the employee's control. The employee's written request for reconsideration must indicate when the informal discussion was held with the immediate supervisor and cite the specific reason(s) why the employee believes the decision was not proper. Supervisors must review and comment on the employee's request in writing, and provide copies of those comments to the employee.
- (2) If on reconsideration the approving official disapproves the promotion under paragraph 7f(3) [], the employee may request Central Office review [by submitting a written request through the supervisor to the approving official] within 14 calendar days of [receiving notice] of the [reconsideration] decision.

[T]he approving official [] or designee may extend the 14-day period at the written request of an employee if the employee is unable to submit the information [timely] for reasons beyond the employee's control.

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- e. **Professional Standards Board Review.** The appropriate Professional Standards Board [at the facility] will review the information submitted by the employee and make a recommendation to the approving official. If the employee's request does not include the information specified in paragraph 7d(1)[(a)], the technical representative to the Professional Standards Board is to return the request to the employee for completion. The additional information is to be returned to the Professional Standards Board within 14 calendar days; however, the appropriate management official may extend the 14-day period if the employee is unable to submit the information for reasons beyond the employee's control. Upon completing its review, the [B]oard [must] forward its recommendation to the approving official for action under paragraph f [].
- f. **Action by Approving Authority.** Upon review of the reconsideration file, the approving official shall take one of the following actions:
- (1) Request any additional information needed to make a decision. This includes, but is not limited to, meeting with representatives of the Board, the employee, or the employee's supervisor prior to making a decision under paragraph [f](2) or [f](3).
 - (2) Approve the adjustment of the employee's grade or level in accordance with paragraph 8a [].
- (3) Disapprove the promotion and notify the employee of the decision in writing. If the employee requests VA Central Office review under paragraph 7d(2) [], the approving official shall forward the reconsideration file, the employee's personnel folder, and any comments to the appropriate VA Central Office Professional Standards Board for review.

g. [Request for Central Office Review.]

- [(1)] **Review by the Central Office Professional Standards Board.** When a request for Central Office review is submitted to the appropriate VA Central Office Professional Standards Board under paragraph f(3) [], the Under Secretary for Health or a designee becomes the promotion approving authority. The appropriate [] Board will review the information submitted by the facility and make a recommendation to the approving official. If necessary, the Central Office [] Board may request additional information. Upon completing its review, the Central Office [] Board will forward its recommendation to the approving official for action under paragraph h [].
- h. **Action by the Under Secretary for Health or Designee.** Upon receipt of the recommendation from the appropriate VA Central Office Professional Standards Board, the approving official or designee may:
 - (1) Authorize the adjustment in the employee's grade or level in accordance with paragraph 8a [].
 - (2) Request any additional information needed.

- (3) Disapprove the promotion and advise the employee of the determination in writing. Such determinations are final.
 - i. [Employees may withdraw requests for reconsideration or for Central Office review at any time].
- [j. Exclusion from Coverage as Employee Grievance. Requests for promotion reconsideration are excluded from the Agency Grievance Procedure. See VA Handbook 5021, Part IV, Chapter 3, paragraph 16. Promotion reconsideration is also excluded from negotiated grievance procedures under the provisions of 38 U.S.C. 7422(b).]

8. EFFECTING ADVANCEMENT AND PROMOTION ACTIONS

a. Effective Date

- (1) The promotion will be placed into effect by the Human Resources Management Officer on the first day of the pay period following the date of administrative approval of the promotion by the [approving] official[] designated in appendix []K, this part, but in no case earlier than the date on which all administrative requirements are met.
- (2) If an employee becomes eligible for promotion while on LWOP for educational or other purposes, no action will be taken until the employee returns to duty. If the employee [up]on return to duty meets all other requirements for promotion, an appropriate recommendation will be made. However, if promoted, the promotion will not be effected retroactively.

NOTE: See chapter 6, this part, for effecting of promotion actions upon return from military service.

- b. **Disposition of Forms.** On completion of the promotion action, or disapproval of promotion, the original VA Form 10-2543[, Board Action,] and any accompanying documents will be filed in a separate envelope in the employee's personnel folder.
- 9. ADJUSTMENT OF PROMOTIONS OR ADVANCEMENTS TO A HIGHER LEVEL WITHIN THE GRADE. Approving officials may adjust an employee's promotion or advancement to a higher level within the grade if it is determined that such action is consistent with applicable qualification requirements. Such decisions shall consider the recommendation of the appropriate Standards Board. Actions taken under this paragraph will be effected at the beginning of the next pay period following approval.

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10. ADVANCEMENT OF RESIDENTS. Residents appointed under authority of 38 U.S.C. 7406 will be advanced in salary upon successful completion of each year of training provided the House Staff Review Committee recommends the increase and continuation of training. If the committee recommends the advancement, the effective date of promotion will be the first day following completion of each year of training. The required training may have been obtained in part from sources outside VA. (See M-8, pt. II, ch. 1.)

11. TEMPORARY CHIEF OF STAFF ASSIGNMENTS (PROMOTIONS)

- a. **General.** When the position of Chief of Staff is vacant, the facility Director may request the temporary reassignment and promotion of a physician as Chief of Staff. These reassignments will be for a period not to exceed 1 year, and may be terminated prior to the expiration date.
- b. **Submission of Requests.** Facility officials will continue to forward chief of staff nominations to the Management Support Office (10A2B). The chief of staff program staff in the Management Support Office will provide a technical review of the nomination, arrange for appropriate approvals and/or reviews with VHA Central Office officials as necessary, and forward the completed nomination to the Network Director for approval. Requests for temporary reassignment to chief of staff in Executive grade for renewable periods not to exceed 1 year require approval of the appropriate Network Director. Normally, these reassignments will be approved only after an employee has served in an acting capacity for at least 90 days. In exceptional circumstances, the appropriate Network Director may approve a temporary reassignment when an employee has served less than 90 days in an acting capacity.
- c. **Temporary Promotion.** An employee who is temporarily reassigned to a Chief of Staff position will be advanced to the Executive grade for the duration of the assignment. On expiration or termination of the assignment, the grade and salary of the employee will be adjusted in accordance with the provisions of VA Handbook 5007, Pay Administration. In applying the provisions of this handbook, the salary will be adjusted to the salary held previously, unless a higher rate is warranted by reason of periodic step increases. On assignment, the following statement will be placed in the "Remarks" item of the SF 50-B, Notification of Personnel Action: "Employee informed of conditions of temporary grade assignment." Any request submitted under this subparagraph is also to include a request to increase the employee's special pay, if applicable.

12. DETAILS, TEMPORARY REASSIGNMENTS, AND TEMPORARY PROMOTIONS FOR REGISTERED NURSES AND NURSE ANESTHETISTS

- a. **Details.** When the position of Nurse Executive, or a nurse anesthetist position at Nurse IV or Nurse V is vacant, the facility Director may detail an employee to that position. Generally, details will not exceed 90 days, and may be terminated prior to the expiration date. [T]he facility Director may approve extensions of the detail in 90-day increments [when circumstances warrant].
- b. **Temporary Reassignments.** When a position at Nurse IV or V is vacant, the facility Director may approve the temporary reassignment of an individual into the position. Generally, temporary reassignments will be for a period not to exceed 1 year, and may be terminated prior to the expiration date. [T]he facility Director may approve the extension of a temporary reassignment not to exceed 1 additional year [when circumstances warrant]. Normally, such temporary reassignments will be approved only after a registered nurse or nurse anesthetist has acted in the position for at least 90 days. [When circumstances warrant], the approving official may approve a temporary reassignment when an employee has served less than 90 days in an acting capacity (e.g., when the position is expected to remain vacant for an extended period). On approval of the temporary reassignment, the following statement will be placed in the "Remarks" section of the SF 50-B: "Employee informed of conditions of temporary assignment."

c. **Temporary Promotions.** If a registered nurse is temporarily reassigned to a higher grade assignment under subparagraph [8]b [], the facility Director may temporarily promote the individual. Such action will be taken only after the facility Director considers the recommendation of the appropriate NPSB. The facility Director may similarly temporarily promote a nurse anesthetist to Nurse IV or V after considering the recommendation of the facility PSB for nurse anesthetists. On expiration or termination of the temporary promotion, the grade and salary of the employee will be adjusted in accordance with the provisions of VA Handbook 5007, Pay Administration. The employee will be advised in writing of the conditions of the temporary promotion or assignment. In applying the provisions of this handbook, the salary will be adjusted to the salary held previously, unless a higher step is warranted by reason of a periodic step increase, special advancement, or under the highest previous [rate] rule.

13. OTHER GRADE CHANGES

a. Change to Lower Grade

- (1) **General.** [] As provided by 38 U.S.C. 7403, [where an employee's grade level and salary are] based on both the nature of the assignment and [the employee's] personal qualifications, [and the assignment is subsequently changed, the grade and salary may be adjusted as] appropriate. Such action may be taken by the Secretary, upon recommendation of the Under Secretary for Health, on any physician or dentist in Director grade; [or] by the Under Secretary for Health on any physician or dentist in Executive grade[.]
- (2) Key Nursing Personnel (Registered Nurses Other Than Nurse Executives) and Nurse Anesthetists in Nurse IV and Above Whose Grade is Based on Both Their Personal Qualifications and Responsibilities of Their Assignment
- (a) **Placement in a Lower Grade for the Good of VA.** Employees placed in a lower grade for reasons other than cause or at the employee's request will have their pay set at the lowest step of the lower grade which equals or exceeds their existing rate of basic pay. If there is no such step, employees are entitled to pay retention.
- (b) **Voluntary Changes to a Lower Grade.** Employees who take a voluntary change to a lower grade may have their pay set at any step of the grade that does not exceed their highest previous rate. However, the employee is not eligible for pay retention, and, if the employee changes facilities, the pay rates of the gaining facility shall be applicable. The employee must submit a written request, through channels, for the employment change. The employee's signed request is to be filed on the right side of the employee's personnel folder.

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b. Review of Assignments of Key Nursing Personnel (Registered Nurses Other Than Nurse Executives) and Nurse Anesthetists in Nurse IV and Above Whose Grade is Based on Both Their Personal Qualifications and Responsibilities of Their Assignment

- (1) Facility [D]irectors or officials in Central Office may request review of an assignment if they believe it no longer warrants the current grade; the assignment cannot be restructured within the requesting official's scope of responsibilities; and the employee will not voluntarily accept a change to a lower grade. [The responsible program official will initiate such a review] if there has been a significant change in the assignment or an accretion or erosion of responsibilities [suggests that] the assignment [would be more appropriately placed in] a different grade.
- (2) Recommendations related to nurse assignments will be sent to the Central Office NPSB and the [Office of Nursing Services] (059/108). Those related to nurse anesthetist assignments will be sent to the Central Office Nurse Anesthetist PSB and the Office of Patient Care Services (059/11). If it is determined that the grade is inappropriate, the correct grade will be identified[,] and the following action will be taken:
- (a) Any promotion or advancement will be effected on the first day of the first pay period following the approving official's determination.
 - (b) If the Central Office program official determines that the current grade is no longer warranted:
- <u>1</u>. The facility's request is forwarded to the Assistant Deputy Under Secretary for Health (10N). This office will attempt voluntary or involuntary placement of the employee in a more appropriate assignment. If no placement opportunities are available, the request will be returned to the facility.
- <u>2</u>. The requesting official shall reduce the employee to the appropriate grade. Such employees are eligible for pay retention.

NOTE: Directed transfers or reductions in grade approved under this paragraph will not be considered adverse actions under 38 U.S.C. 7461, provided they are not based on charges related to conduct or performance. The actions are, however, grievable under the provisions of VA Handbook 5021[,] Employee/Management Relations[].

[NOTE: Paragraph 9 of proposed Section B, Other Grade Changes, Chapter 4, Part III, of VA Handbook 5005, follows. Section B's paragraphs 1-8 are subject to the labor organization collaboration process and these are not included at this time.]

[9. OTHER GRADE CHANGES

a. Change to Lower Grade

- (1) **General.** As provided by 38 U.S.C. 7403, where an employee's grade level and salary are based on both the nature of the assignment and the employee's personal qualifications, and the assignment is subsequently changed, the grade and salary may be adjusted as appropriate. Such action may be taken by the Under Secretary for Health or designee for Hybrid Title 38 employees in centralized positions and for all Hybrid Title 38 employees in assignments at GS-13 and above; and by the facility Director for all Hybrid Title 38 employees in noncentralized assignments below GS-13. The facility Director may delegate the authority to the Chief of Staff, Associate Director, Nurse Executive, Pharmacy Chief for occupations under their respective purview.
- (2) **Hybrid Title 38 employees.** Employees appointed under authority of 38 U.S.C. 7401(3) and permanent part-time employees appointed under 38 U.S.C. 7405 (a)(1)(B) are entitled to the following grade and pay retention provisions.
- (a) **Erroneously Graded Assignments.** If an employee's grade is based on both the nature of assignment and personal qualifications and the assignment does not meet the requirements for the employee's grade, the employee shall be eligible for grade and pay retention if the employee has been in grade for at least 1 year. If the employee has been in grade for less than 1 year, the employee shall be eligible for pay retention, and pay shall be set in accordance with 5 CFR, part 536.
- (b) **Change in Assignment.** If the duties and responsibilities of an employee's assignment change sufficiently, either through gradual erosion or planned management action, so that it no longer warrants the grade level of the incumbent, the incumbent shall be eligible for grade and pay retention provided the incumbent has been in grade for at least 52 weeks. If the employee has been in grade for less than 52 weeks, the employee shall be eligible for pay retention, and pay shall be set in accordance with 5 CFR, part 536.
- (c) **Assignment Change.** If an employee is voluntarily placed in a different assignment which does not warrant the employee's current grade level, the employee will not be eligible for grade retention. The employee's entitlement to pay retention will be determined in accordance with VA Handbook 5007, Pay Administration.
- (d) **Assignment Change for Cause or at the Employee's Request.** If an employee is changed to an assignment which does not warrant the employee's current grade level for cause or at the employee's request, the employee is not eligible for grade or pay retention.
- **NOTE:** Directed transfers or reductions in grade approved under this paragraph will not be considered adverse actions under 38 U.S.C. 7461, provided they are not based on charges related to conduct or performance. The actions are, however, grievable under the provisions of VA Handbook 5021, (Employee/Management Relations).]

gathering a broad base of job information from which KSAOs required in all the jobs in the group or class are derived. In the single job study, emphasis is on determining the KSAOs required in the specific position with less effort devoted to obtaining background information.

(1) Class Analysis. A class of positions, such as Veterans [Claims Examiner] or [Nursing Assistant] which is common to a large number of VA installations can be centrally analyzed on a grade-by-grade basis and the results shared among VA users. Such class analyses will be done only under the direction of the Deputy Assistant Secretary for Human Resources Management and Labor Relations (059). Since no two jobs are exactly alike, there is a need to identify many more tasks and many more KSAOs than are likely to appear in any one position. As part of the class analysis, quality level examples are prepared for each KSAO. When an individual position is to be filled, responsible officials will decide which of the KSAOs identified in the class study are applicable to that particular job and whether there are any unidentified KSAOs unique to it. Using the predefined KSAOs and their corresponding quality levels (plus locally defined quality levels for KSAOs unique to that particular job, if any), a local rating and ranking procedure may be developed.

NOTE: The local job must be closely surveyed and the KSAOs carefully selected to ensure job relatedness. If an important KSAO required in the local job has not been identified in the class study, it must be defined, documented and developed locally, including quality level descriptions, inclusion in supplemental experience statements, specialized appraisals, etc.

(2) **Local Analysis of a Group of Jobs.** Often several jobs at an installation are enough alike in tasks performed and level of responsibility and difficulty to be grouped and analyzed together. Usually, those jobs will have the same grade and title. For example, there are a number of tasks which are performed by all GS-4 Nursing Assistants in a medical center even though they may be assigned to medical, surgical or psychiatric units. By using appropriate sources of information and input from a panel of SMEs representing each of the areas where GS-4 Nursing Assistants work, a list of tasks, KSAOs and quality level examples for the whole job group can be developed. When an individual job is being filled, the KSAOs required in that job are selected from the pool of GS-4 Nursing Assistant KSAOs and used to rate and rank applicants.

NOTE: Care must be taken to ensure that all the KSAOs which are needed to identify the best qualified applicants for the individual job have been included in the rating and ranking procedure.

- (3) **Single Job Analysis.** Many jobs may not lend themselves to a group or class job analysis, or such an analysis may not yet be available. These jobs may be few-of-a-kind jobs or those which, even though they share a common title and grade, have duties and responsibilities which require different KSAOs. The procedures followed in a single position study are similar but not identical to those followed in a group or class study. In the single job study the sources of job analysis data do not have to be as wide and varied as those used in a larger study; however, the input from the SMEs must be more specific, and the KSAOs must relate directly to the individual job.
- c. **Common Elements in Any Job Analysis.** While the job analysis approaches discussed above vary in their focus and scope, there are a number of elements which must be included in any job analysis.